

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

In re)	
)	Case No. 08-20472 drd13
RODNEY DWAYNE CRABTREE)	
)	Chapter 13
Debtor)	
)	
RODNEY DWAYNE CRABTREE)	
Plaintiff)	
v.)	Adversary No. 13-2025 drd
)	
GREEN TREE SERVICING LLC)	
)	
Defendant)	

ANSWER TO PLAINTIFF'S COMPLAINT

Defendant, by counsel, respectfully responds to Plaintiff's Complaint as follows:

Preliminary Statement and Parties

1. Defendant admits that Plaintiff claims to bring this action under certain provisions of law and alleges certain violations and contempt on the part of Defendant. Defendant denies all other factual averments contained in paragraph 1.
2. Defendant admits paragraph 2.
3. Defendant admits that it is still the holder of a certain promissory note dated March 12, 1999, signed by Debtor and his then-spouse, Sherry Crabtree, that was secured by certain real estate with manufactured home in Pettis County, Missouri. Defendant denies all further averments of paragraph 3.
4. Defendant denies paragraph 4.

5. Defendant admits the first sentence of paragraph 5. The second and third sentences are Plaintiff's forecasts of how it will serve the complaint and are not factual averments that require answer. To the extent they plead facts, they are denied.

Jurisdiction and Venue

6. Defendant repleads the foregoing paragraphs as if fully set forth herein.

7. Defendant admits that this Court has original jurisdiction over this cause as pleaded.

8. Defendant admits paragraph 8.

9. Paragraph 9 is an abstract statement of law to which no response is required. To the extent that it pleads any facts, Defendant denies them.

10. Paragraph 10 is an abstract statement of law to which no response is required. To the extent that it pleads any facts, Defendant denies them.

11. Defendant admits that this proceeding is a core proceeding. The remainder of the paragraph does not plead any facts to which a response is required.

12. Defendant admits that venue correctly lies in this District.

13. Paragraph 13 is an abstract statement of law to which no response is required. To the extent that it pleads any facts, Defendant denies them.

14. Defendant admits that the Court has personal jurisdiction over it but denies all other averments of paragraph 14.

Factual Allegations

15. Defendant repleads the foregoing paragraphs as if fully set forth herein.

16. Defendant admits the first sentence of paragraph 16 but denies the second sentence.

17. Defendant denies paragraph 17.

18. Defendant denies paragraph 18.

19. Defendant admits paragraph 19.

20. Defendant admits paragraph 20.

21. Defendant admits that it had constructive notice of Plaintiff's chapter 13 bankruptcy case but denies all other averments of the first sentence of paragraph 21. Defendant admits the second sentence of paragraph 21.

22. Defendant admits paragraph 22.

23. Defendant has insufficient information about the averments of paragraph 23 to form a belief about the truth of the same, and Defendant therefore denies them.

24. Defendant denies paragraph 24.

25. Defendant has insufficient information about the averments of paragraph 25 to form a belief about the truth of the same, and Defendant therefore denies them.

26. Defendant denies paragraph 26.

27. Defendant has insufficient information about the averments of paragraph 27 to form a belief about the truth of the same, and Defendant therefore denies them.

28. Defendant denies paragraph 28.

29. Defendant denies paragraph 29.

First Cause of Action: Violation of 11 U.S.C. § 524(a)

30. Defendant repleads the foregoing paragraphs as if fully set forth herein.

31. Defendant admits the first sentence of paragraph 31. The second sentence is an abstract statement of law to which no response is required. To the extent any fact is pleaded therein, it is denied.

32. Defendant denies paragraph 32.

33. Defendant denies paragraph 33.

34. Defendant denies paragraph 34.

35. Paragraph 35 is an abstract statement of law to which no response is required. To the extent any fact is pleaded therein, it is denied.

36. Paragraph 36 is an abstract statement of law to which no response is required. To the extent any fact is pleaded therein, it is denied.

37. Defendant denies paragraph 37.

38. Defendant denies paragraph 38.

39. Defendant denies paragraph 39.

40. Paragraph 40 is an abstract statement of law to which no response is required. To the extent any fact is pleaded therein, it is denied.

Second Cause of Action: Violations of Local Rule 3094-1(c)(3)

41. Defendant repleads the foregoing paragraphs as if fully set forth herein.

42. Defendant admits paragraph 42.

43. Defendant denies paragraph 43.

Affirmative Defenses

(1) Plaintiff has failed to plead a cause of action for any monetary penalty or damages.

(2) Plaintiff has failed to plead a cause of action for any relief for violation of Rule 3094-1(c)(3).

(3) Plaintiff has failed to plead a cause of action for any relief in connection with allegations that the Internal Revenue Service claims Plaintiff owes taxes to the United States.

(4) Plaintiff has failed to plead a cause of action for any relief in connection with alleged damage to his creditworthiness or emotional damages.

(5) Plaintiff has failed to plead a cause of action for any relief to which ancillary jurisdiction or federal question jurisdiction would apply.

(6) Plaintiff has failed to plead a cause of action for consequential or punitive damages.

(7) Plaintiff and his then-spouse, Sherry Crabtree, reaffirmed the obligations of the promissory note that was described above in a previous chapter 7 case in this District, case no. 00-21403 fwk.

WHEREFORE, having fully answered the averments of Plaintiff's Complaint, Defendant prays that Plaintiff take nothing thereby and that Defendant be allowed to go hence with its costs.

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served by ECF Notice of Electronic Filing on the persons below who participate in the ECF System and by first-class mail, postage prepaid, on all remaining persons below on August 23, 2013.

/s/ James S. Cole

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